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8 Attorneys for Defendants California Department of
Corrections and Rehabilitation and Pelican Bay State
9 Prison

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 **ROBIN WILSON,**

15 Plaintiff,

16 v.

17 **CALIFORNIA DEPARTMENT OF**
18 **CORRECTIONS AND**
19 **REHABILITATION; PELICAN BAY**
20 **STATE PRISON; AND DOES 1**
21 **THROUGH 50, INCLUSIVE,**

Defendants.

CASE NO. CV 08 3358 EMC

**CERTIFICATE OF SERVICE OF
NOTICE TO ADVERSE PARTY OF
REMOVAL TO FEDERAL COURT**

22 Shanja Madison certifies and declares as follows:

23 I am over the age of 18 years and not a party to this action.

24 My business address is 1515 Clay Street, 20th Floor, Oakland, CA 94612, which is
25 located in the city, county and state where the mailing described below took place.

26 On July 14, 2008, I deposited in the United States Mail at Oakland, California, a copy
27 of the Notice to Adverse Party of Removal to Federal Court dated July 11, 2008, a copy of which
28 is attached to this Certificate.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 16, 2008, in Oakland, California.


SHANJA MADISON

90089444.wpd

1 EDMUND G. BROWN JR.
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2 MIGUEL A. NERI
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7 E-mail: Courtney.Lui@doj.ca.gov

8 Attorneys for Defendants California Department of
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9 Prison

10
11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF DEL NORTE
13

14 **ROBIN WILSON,**

15 Plaintiff,

16 v.

17 **CALIFORNIA DEPARTMENT OF**
18 **CORRECTIONS AND**
19 **REHABILITATION; PELICAN BAY**
20 **STATE PRISON; AND DOES 1**
21 **THROUGH 50, INCLUSIVE,,**

Defendant.

Case No. CVU J08-1191

**NOTICE TO ADVERSE PARTY OF
REMOVAL TO FEDERAL COURT**

22
23 TO PLAINTIFF ROBIN WILSON AND HER ATTORNEYS OF RECORD:

24 PLEASE TAKE NOTICE that a Notice of Removal of this action was filed in the United
25 States District Court for the Northern District of California, San Francisco Division, on July 11,
26 2008.

27 ///

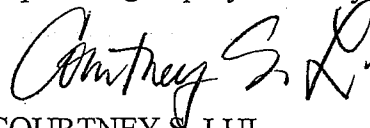
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1 A copy of the said Notice of Removal is attached to this Notice and is served and filed
2 herewith.

3 Dated: July 14, 2008

4 Respectfully submitted,

5 EDMUND G. BROWN JR.
6 Attorney General of the State of California
7 MIGUEL A. NERI
8 FIEL D. TIGNO
9 Supervising Deputy Attorneys General

10 

11 COURTNEY S. LUI
12 Deputy Attorney General
13 Attorneys for Defendants California
14 Department of Corrections and Rehabilitation
15 and Pelican Bay State Prison
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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 Attorneys for Defendant California Department of
Corrections and Rehabilitation and Pelican Bay State
9 Prison

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13

14 ROBIN WILSON,

15 Plaintiff,

16 v.

17 CALIFORNIA DEPARTMENT OF
18 CORRECTIONS AND
REHABILITATION; PELICAN BAY
19 STATE PRISON; AND DOES 1
THROUGH 50, INCLUSIVE,,
20

21 Defendant.

CV 08

3358

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(b) EMC
[FEDERAL QUESTION]

22 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

23 PLEASE TAKE NOTICE that all named defendants, the California Department of
24 Corrections and Rehabilitation ("CDCR") and
25 Pelican State Bay Prison^{1/} (collectively "Defendants"), hereby remove to this Court the state
26 court action described below.

27
28 1. It appears that Pelican Bay State Prison was erroneously named as a defendant, as it is a
CDCR facility and not an entity that is separate from the CDCR.

1 1. On April 21, 2008, an action was commenced in the Superior Court of the State of
2 California in and for the City and County of Del Norte, entitled ROBIN WILSON v.
3 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION; PELICAN
4 BAY STATE PRISON; and DOES 1 through 50, inclusive, a copy of which is attached hereto as
5 Exhibit "A".

6 2. The first date upon which the CDCR received a copy of the said complaint was June
7 12, 2008, when Susan Galbraith of the CDCR's Office of Legal Affairs was personally served
8 with a copy of the said complaint and a summons from the said state court. A copy of Ms.
9 Galbraith's memorandum acknowledging receipt of the summons and complaint in this action is
10 attached hereto as Exhibit "B"; and a copy of the summons is attached hereto as Exhibit "C".

11 3. JURISDICTION: This action is a civil action of which this Court has original
12 jurisdiction under 28 U.S.C. section 1331, and is one which may be removed to this Court by
13 defendants pursuant to the provisions of 28 U.S.C. section 1441(b) in that the First Cause of
14 Action of said complaint arises under 42 U.S.C. section 1983.

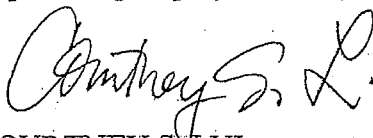
15 4. To date, it is the understanding of defendants CDCR and Pelican Bay State Prison (a
16 CDCR facility) that they are the only named defendants in this action.

17 Dated: July 7, 2008

18 Respectfully submitted,

19 EDMUND G. BROWN JR.
20 Attorney General of the State of California

21 MIGUEL A. NERI
22 FIEL D. TIGNO
23 Supervising Deputy Attorneys General

24 
25 COURTNEY S. LUI
26 Deputy Attorney General
27 Attorneys for Defendants California Department of Corrections
28 and Rehabilitation and Pelican Bay State Prison

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OK2008900315

EXHIBIT A

1 AMANDA UHRHAMMER (SBN 199445)
2 MASTAGNI, HOLSTEDT, AMICK,
3 MILLER, JOHNSEN & UHRHAMMER
4 A Professional Corporation
5 1912 "I" Street
6 Sacramento, California 95814
7 Telephone: (916) 446-4692
8 Facsimile: (916) 447-4614

9 Attorneys for Plaintiff ROBIN WILSON

ENDORSED
FILED

APR 21 2008

SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF DEL NORTE

ROBIN WILSON,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION;
PELICAN BAY STATE PRISON; and DOES
1 through 50, Inclusive,

Defendants.

Case No.: CV 08-1191

COMPLAINT FOR DAMAGES,
VIOLATION OF RIGHT TO PRIVACY;
DISCLOSURE OF PERSONAL
INFORMATION; FAILURE TO
SAFEGUARD PERSONAL
INFORMATION; INTRUSION INTO
PRIVATE AFFAIRS; NEGLIGENCE;
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS; JURY TRIAL
DEMANDED

Plaintiff alleges as follows:

THE PARTIES

1. Plaintiff, ROBIN WILSON ("Plaintiff"), is an individual and is now, and at all times mentioned herein was, a resident of the State of California.

2. Plaintiff is now, and at all times mentioned herein was, an employee of Defendants, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ("CDCR") and PELICAN BAY STATE PRISON ("PBSP").

3. Defendant, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION is, and at all times mentioned herein was, a department of the State of California, organized and existing under the laws and regulations of the State of California.

COMPLAINT FOR DAMAGES;
JURY TRIAL DEMANDED

1 4. Defendant, PELICAN BAY STATE PRISON is, and at all times mentioned herein
2 was, an entity of the State of California, organized and existing under the laws and regulations of the
3 State of California.

4 5. Plaintiff is informed and believes, and upon such information and belief, alleges, that
5 Defendants named herein as DOES 1 through 50, inclusive, are responsible in some manner for the
6 events and happenings as hereinafter alleged. Plaintiff will amend the complaint and name the true
7 names and capacities of Defendants sued herein as DOES 1 through 50, inclusive, when ascertained.

8 6. Plaintiff is informed and believes, and upon such information and belief, alleges that
9 at all times herein mentioned, each DOE defendant was the agent, servant, and/or employee of the
10 remaining Defendants, and at all times herein mentioned, were acting within the course and scope of
11 said agency and/or employment.

12
13 VENUE

14 7. Venue in the County of Del Norte is proper under California Code of Civil Procedure
15 § 395 and California Government Code § 552.2 because Plaintiff's injury occurred in this County.

16
17 EXCEPTION FROM THE EXCLUSIVE REMEDY RULE

18 8. Plaintiff is informed and believes, and thereon alleges, that the unlawful employment
19 actions complained of herein, as a result of which Plaintiff sustained injuries and damages enumerated
20 below, were and are violations of the laws and fundamental public policies of the State of California,
21 and Plaintiffs claims are not subject to any exclusive remedy provisions of California's Workers
22 Compensation Act, and are not otherwise preempted or barred.

23
24 FACTS COMMON TO ALL CAUSES OF ACTION

25 9. Defendants CDCR and PBSP possess considerable sensitive information about each
26 of its employees and former employees. Upon information and belief, this information includes, *inter*
27 *alia*, each employee's name, address, contact information and social security number.

28 10. On or about March of 2007, an employee of Pelican Bay State Prison discovered a

1 custody roster listing the personal cell phone numbers of correctional officers while working at the
2 California State Prison, Centinela ("Centinela State Prison"). The custody roster was found in an area
3 accessible to and used by Centinela State Prison inmates.

4 11. A search of inmate workers who worked outside the jail on work release revealed
5 approximately ten (10) pieces of paper underneath the soles of each shoe and those papers had the
6 personal names, phone numbers, cell phone numbers and addresses of correctional officers as well
7 as social security numbers and other identifying information.

8 12. On or about, March 15, 2007, Plaintiff discovered that a former inmate at Pelican Bay
9 State Prison had been using Plaintiff's name to obtain credit and otherwise exploit Plaintiff's financial
10 status and identity. The former inmate had gained said information while an inmate at Pelican Bay
11 State Prison. Plaintiff is informed and believes that her information had not been properly secured
12 and her identifying information protected, but rather that inmates had obtained access to the
13 information due to the wrongful and negligent conduct of CDCR and PBSP management employees.

14 13. Pelican State Bay Prison inmates had obtained access to personal information of
15 correctional officers for an extended period of time. Plaintiff is informed and believes that personnel
16 and other types of information that would normally have been put through the shredder by CDCR
17 employees was given to inmate workers to carry out.

18 14. Pelican State Bay Prison inmates were permitted access to CDCR employee
19 information when CDCR and PSBP knew, or should have known, that said personnel and personal
20 employee data was left unattended and accessible to or intentionally placed in the custody of said
21 inmates and that CDCR and PBSP knew or should have known of the risk of providing said
22 information to known criminals.

23 15. The CDCR employee information remained accessible to inmates after the CDCR and
24 PBSP, their agents, employees, managers or supervisors, knew of the theft of CDCR employees'
25 identities. Plaintiff is informed and believes that the employee information remains accessible to
26 inmates.

27 16. Plaintiff has suffered significant damages in excess of the jurisdictional limits,
28 including compensatory damages and emotional distress. Plaintiff's name has been used to obtain

1 credit and purchase items in her name without her permission. Plaintiff has been sent to collections
 2 and had bill collectors harass her for payment of bills she did not accrue. The theft of Plaintiff's
 3 identity has adversely affected her credit and financial standing as well caused emotional distress
 4 among other damages.

5 17. Plaintiff has exhausted the requirements of the California Torts Claims Act, § 900 *et*
 6 *seq.* On September 11, 2007, Plaintiff filed a Government Tort Claim with the California State Board
 7 of Control. By letter dated October 22, 2007, the California Victim Compensation and Government
 8 Claims Board rejected Plaintiff's claim.

9 10 FIRST CAUSE OF ACTION

11 (VIOLATION OF PLAINTIFF'S CONSTITUTIONAL 12 RIGHT TO PRIVACY AND 42 U.S.C. § 1983)

13 18. The allegations of paragraphs 1 through 17 are re-alleged and incorporated herein
 14 by reference. This cause of action is alleged against Defendants CDCR and PBSP.

15 19. Under the United States Constitution, Plaintiff enjoys a right to privacy that
 16 protects her from government disclosures of personal information.

17 20. Plaintiff had a legitimate and reasonable expectation that her personal information
 18 would not be made accessible to prison inmates. Plaintiff's legitimate and reasonable expectation
 19 is further supported by the Information Practice Act of 1977, California Constitution, Article 1,
 20 Section 1, and California Penal Code § 832.7.

21 21. Defendants caused a serious and unwarranted invasion of the privacy interests of
 22 Plaintiff by permitting unlawful and otherwise wrongful access to CDCR employees' sensitive
 23 and personal information.

24 22. Defendants had a duty to protect the privacy interests of Plaintiff, and Defendants
 25 breached said duty by allowing inmates to have access to the personal information and
 26 confidential peace officer records in the manner alleged herein.

27 23. As a result of Defendants' violation of Plaintiff's privacy Plaintiff suffered actual
 28 damages. Plaintiff is entitled to recover all damages resulting from Defendants' invasion of her

1 privacy, including compensatory damages, general damages, personal injury damages, attorney's
2 fees and any other damages the Court deems appropriate.

3 24. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

4 WHEREFORE, Plaintiff requests relief as hereinafter provided.

5
6 SECOND CAUSE OF ACTION

7 (VIOLATION OF STATE CONSTITUTIONAL
8 RIGHT TO PRIVACY, Cal. Const. Art I, § 1;
Cal. Penal Code § 832.7; Cal. Gov't Code § 6254)

9 25. The allegations of paragraphs 1 through 24 are re-alleged and incorporated herein
10 by reference. This cause of action is alleged against all Defendants.

11 26. Plaintiff has an inalienable right to privacy, including the right to prevent
12 dissemination of personal, confidential information, guaranteed by the Constitution of the State of
13 California, Article I, section 1.

14 27. Plaintiff is a peace officer under Cal. Penal Code § 830.5(b).

15 28. Plaintiff had a privacy interest in peace officer personnel records, protected by Cal.
16 Penal Code § 832.7, Cal. Government Code § 6254(c), and other applicable statutes.

17 29. Plaintiff had a reasonable expectation of privacy in Plaintiff's peace officer
18 personnel records.

19 30. Defendants caused a serious and unwarranted invasion of the privacy interests of
20 Plaintiff by permitting unlawful and otherwise wrongful access to CDCR employees' sensitive
21 and personal information.

22 31. Defendants had a duty to protect the privacy interests of Plaintiff, and Defendants
23 breached said duty by allowing inmates to have access to the personal information and
24 confidential peace officer records in the manner alleged herein.

25 32. As a result of Defendants' violation of Plaintiff's privacy Plaintiff suffered actual
26 damages. Plaintiff is entitled to recover all damages resulting from Defendants' invasion of her
27 privacy, including compensatory damages, general damages, personal injury damages, attorney's
28 fees and any other damages the Court deems appropriate.

33. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

WHEREFORE, Plaintiff requests relief as hereinafter provided.

THIRD CAUSE OF ACTION

(DISCLOSURE OF PERSONAL INFORMATION IN
VIOLATION OF CAL. CIVIL CODE § 1798.24)

34. The allegations of paragraphs 1 through 33 are re-alleged and incorporated herein by reference. This cause of action is pled against Defendants CDCR and PBSP.

35. California Civil Code § 1798.24 provides that "[n]o agency may disclose any personal information in a manner that would link the information disclosed to the individual" subject to enumerated exceptions.

36. Defendants CDCR and PBSP were at all material times agencies within the meaning of Cal. Civil Code § 1798.3(b).

37. Defendants caused a serious and unwarranted disclosure of the privacy interests of Plaintiff by permitting unlawful and otherwise wrongful access to CDCR employees' sensitive and personal information.

38. Defendants had a duty to protect the privacy interests of Plaintiff, and Defendants breached said duty by allowing inmates to have access to the personal information and confidential peace officer records in the manner alleged herein.

39. As a result of Defendants' violation of Plaintiff's privacy Plaintiff suffered actual damages. Plaintiff is entitled to recover all damages resulting from Defendants' invasion of her privacy, including compensatory damages, general damages, personal injury damages, attorney's fees and any other damages the Court deems appropriate.

40. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

WHEREFORE, Plaintiff requests relief as hereinafter provided.

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FOURTH CAUSE OF ACTION

(FAILURE TO SET APPROPRIATE SAFEGUARDS OF
PERSONAL INFORMATION IN VIOLATION OF
CAL. CIVIL CODE § 1798.21)

41. The allegations of paragraphs 1 through 40 are re-alleged and incorporated herein by reference. This cause of action is pled against Defendants CDCR and PBSP.

42. California Civil Code § 1798.21 provides that "[e]ach agency shall establish appropriate safeguards to ensure compliance with the provisions of this chapter, to ensure the security and confidentiality of records, and to protect against anticipated threats or hazards to their security or integrity which could result in any injury."

43. Defendants CDCR and PBSP were at all material times agencies within the meaning of Civil Code § 1798.3(b).

44. Defendants CDCR and PBSP failed to adequately safeguard the privacy interests of Plaintiff by permitting unlawful and otherwise wrongful access to CDCR employees' sensitive and personal information both before and after Defendants CDCR and PBSP knew or should have known that a breach in security had occurred.

45. Defendants had a duty to protect the privacy interests of Plaintiff, and Defendants breached said duty by allowing inmates to have access to the personal information and confidential peace officer records in the manner alleged herein.

46. As a result of Defendants' violation of Plaintiff's privacy Plaintiff suffered actual damages. Plaintiff is entitled to recover all damages resulting from Defendants' failure to safeguard her records, including compensatory damages, general damages, personal injury damages, attorney's fees and any other damages the Court deems appropriate.

47. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

WHEREFORE, Plaintiff requests relief as hereinafter provided.

FIFTH CAUSE OF ACTION

(INVASION OF PRIVACY - INTRUSION INTO PRIVATE AFFAIRS)

48. The allegations of paragraphs 1 through 47 are re-alleged and incorporated herein

1 by reference. This cause of action is pled against all Defendants.

2 49. Defendants' intentional use and/or disclosure of private information regarding the
3 Plaintiff constitute an intrusion into Plaintiff's private affairs and seclusion that would be
4 objectionable to a reasonable person.

5 50. As a result of Defendants' violation of Plaintiff's privacy Plaintiff suffered actual
6 damages. Plaintiff is entitled to recover all damages resulting from Defendants' intrusion,
7 including compensatory damages, general damages, personal injury damages, attorney's fees and
8 any other damages the Court deems appropriate.

9 51. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

10 WHEREFORE, Plaintiff requests relief as hereinafter provided.

11
12 SIXTH CAUSE OF ACTION

13 (NEGLIGENCE)

14 52. The allegations of paragraphs 1 through 51 are re-alleged and incorporated herein
15 by reference. This cause of action is pled against all Defendants.

16 53. Defendants owed a duty of care to Plaintiff to develop reasonable procedures and
17 practices to prevent the disclosure of the private information of their employees including, but not
18 limited to, as provided by Cal. Civil Code § 1798.21, Cal. Penal Code § 832.7, Cal. Government
19 Code § 6254(c) and other applicable statutes..

20 54. Through their conduct as alleged herein, including but not limited to permitting
21 access to personnel and personal records by inmates, Defendants breached their duty of care.

22 55. As a proximate result of Defendants' conduct, Plaintiff has suffered actual
23 damages. Plaintiff is entitled to recover all damages resulting from Defendants' breach of their
24 duty of care, including compensatory damages, general damages, personal injury damages,
25 attorney's fees and any other damages the Court deems appropriate.

26 56. Defendants CDCR and PBSP are liable for injuries proximately caused by an act or
27 omission of an employee. Cal. Government Code § 815.2(a). As a proximate result of
28 Defendants' employees' conduct, Plaintiff has suffered actual damages. Plaintiff is entitled to

1 recover all damages resulting from Defendants' employees' breach of their duty of care, including
2 compensatory damages, general damages, personal injury damages, attorney's fees and any other
3 damages the Court deems appropriate.

4 WHEREFORE, Plaintiff requests relief as hereinafter provided.

5
6 SEVENTH CAUSE OF ACTION

7 (INTENTIONAL INFLICTION
8 OF EMOTIONAL DISTRESS)

9 57. The allegations of paragraphs 1 through 56 are re-alleged and incorporated herein
10 by reference. This cause of action is pled against all Defendants.

11 58. The conduct of Defendants as alleged herein was extreme and outrageous and was
12 undertaken intentionally or in reckless disregard of the probability of causing emotional distress
13 for Plaintiff.

14 59. The foregoing conduct did in fact cause Plaintiff to suffer extreme emotional
15 distress. As a proximate result of said conduct, Plaintiff suffered embarrassment, anxiety,
16 humiliation, and emotional distress, and will continue to suffer said emotional distress in the
17 future in an amount according to proof.

18 60. Defendants CDCR and PBSP are liable for injuries proximately caused by an act or
19 omission of an employee. Cal. Government Code § 815.2(a).

20 WHEREFORE, Plaintiff requests relief as hereinafter provided.

21 PRAYER FOR RELIEF

22 WHEREFORE, Plaintiff prays for judgment as follows:

- 23 1. For special and economic damages according to proof;
24 2. For general damages and non-economic damages according to proof;
25 3. For punitive damages in an appropriate amount;
26 4. For prejudgment interest at the prevailing legal rate;
27 5. For reasonable attorneys fees;
28

- 1 6. For costs of suit herein incurred; and
2 7. For such other and further relief as the court deems just and proper.
3

4 Dated: April 21, 2008

MASTAGNI, HOLSTEDT, AMICK,
MILLER, JOHNSEN & UHRHAMMER



AMANDA UHRHAMMER

Attorneys for Plaintiff

EXHIBIT B

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

Service of Process Cover Sheet

6/12/08

4:05 pm

Date & Time Stamp

Service of Process Disclaimer:

To All Persons Attempting Service of Process Upon the California Department of Corrections and Rehabilitation:

Please be advised that staff assigned to receive documents delivered to the California Department of Corrections and Rehabilitation's office are not authorized to accept such documents as properly served. In receiving documents delivered by process servers and other members of the public, office personnel do not thereby waive any right of the California Department of Corrections and Rehabilitation, the Office of Legal Affairs, any other division within the California Department of Corrections and Rehabilitation, or any individual to object to the validity of the service.

Please complete this form when delivering documents to the California Department of Corrections and Rehabilitation:

| | | |
|--|--|--|
| Case Name <i>Robin Wilson v. CDCR, Pelican Bay</i> | | |
| County / District <i>Del Norte County</i> | Court No. <i>CV 0808-1191</i> | |
| Document(s) Served: | <input checked="" type="checkbox"/> Summons and Complaint/Cross Complaint/Amended Complaint | Petition for Writ of Habeas Corpus |
| | <input type="checkbox"/> Notice to the Attorney General's Office pursuant to, Section _____ | Notice of Consumer or Employee and Objection and check for \$15.00 |
| | <input type="checkbox"/> Petition for Relief From Late Claim Filing (Govt. Code section 946.6) | Writ of Mandate and Complaint for Declaratory Relief |
| | <input type="checkbox"/> Pitchess Motion | Other (Please List): |
| | <input type="checkbox"/> Small Claims | |
| | <input type="checkbox"/> Deposition Subpoena for Production of Business Records | |
| Document(s) For (Specify Person or Division) | <i>Karen Humphries CDCR</i> | |
| Process Server's Name | <i>Karen Humphries Karen Humphries</i> | |
| Name of Company (Business Name, Address, and Telephone Number) | <i>Mastagni Law Office</i> | |
| FOR LEGAL AFFAIRS STAFF USE ONLY | | |
| Office of Legal Affairs Signature | <i>Susan Galbraith</i> | |
| Person Accepting Service: (Name, Title, and Telephone Number) | <i>Susan Galbraith</i> | |
| Forward To: | | |
| Notes: | | |

The attached document(s) appear(s) to be the responsibility of your section; if they are not, please return them to the Office of Legal Affairs, and the person named above, noting the section to which they are to be directed.

EXHIBIT C

(CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

CALIFORNIA DEPARTMENT OF CORRECTIONS AND
REHABILITATION; PELICAN BAY STATE PRISON;FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)and DOES 1 through 50, inclusive
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
ROBIN WILSON

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

DEL NORTE COUNTY SUPERIOR COURT
450 H StreetCASE NUMBER:
(Número del Caso)

CV 0508-1191

Crecent City, California 95531

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

AMANDA UHRHAMMER (SBN 199445)

MASTAGNI, HOLSTEDT, AMICK

MILLER, JOHNSON & UHRHAMMER

Sacramento, California 95814

Sandra Linderman

DATE:

APR 21 2008

Clerk, by

S. Kuykendall

Deputy

(Fecha)

(Secretario)

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

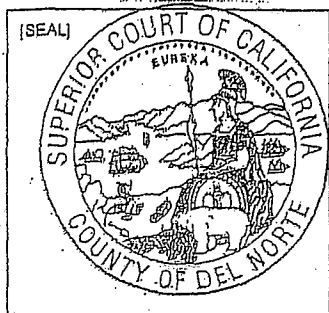
NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☐ other (specify):

- ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)

DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: Robin Wilson v. CDCR, et al.

Case No.: CVU J08-1191

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: P.O. Box 70550, Oakland, CA 94612-0550.

On July 11, 2008, I served the attached **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(B) [FEDERAL QUESTION]** by placing a true copy thereof enclosed in a sealed envelope with the **Golden State Overnight**, addressed as follows:

Amanda Uhrhammer
Mastagni, Holstedt, Amick, Miller, Johnsen
& Uhrhammer
1912 "I" Street
Sacramento, CA 95814
Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 11, 2008, at Oakland, California.

Shanja J. Madison
Declarant


Signature

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Robin Wilson v. CDCR, et al.**

Case No.: **CVU J08-1191**

I declare:

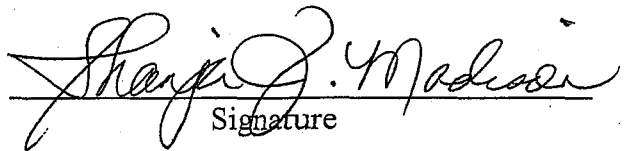
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is P.O. Box 70550, Oakland, CA 94612-0550.

On July 14, 2008, I served the attached **NOTICE OF ADVERSE PARTY OF REMOVAL TO FEDERAL COURT** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Oakland, California, addressed as follows:

Amanda Uhrhammer
Mastagni, Holstedt, Amick, Miller, Johnsen
& Uhrhammer
1912 "I" Street
Sacramento, CA 95814
Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 14, 2008, at Oakland, California.

Shanja J. Madison
Declarant



Signature